



## Brunei

### Country Reports on Human Rights Practices - [2002](#)

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Brunei Darussalam is a small, wealthy Islamic country ruled by the same family for over 600 years. It was a British Protectorate from 1888 until 1959 when a self-governing constitutional monarchy was created, with the British retaining responsibility for foreign affairs and defense until 1984, when the sultanate became a fully independent and sovereign nation. The 1959 Constitution provided for the first delegation of political power by the late Sultan Omar Ali Saifuddin to a council of state with popular representation. After a failed rebellion in 1962, the Sultan invoked an article of the Constitution that allowed him to assume emergency powers for 2 years. These powers were renewed regularly, most recently in June under the present ruler, Sultan Haji Hassanal Bolkiah. In 2000 the Foreign Minister confirmed that a review of the Constitution was submitted to the Sultan for approval, and that "an element of an election" was in this report. However, to date there has been no word on when the revised Constitution might be forthcoming. Although not all the articles of the Constitution were suspended, the state of emergency places few limits on the Sultan's power. The Sultan also serves as Prime Minister, Minister of Defense, Minister of Finance, Chancellor of the national university, Superintendent General of the Royal Brunei Police Force, and Head of the Islamic faith. The Constitution does not specifically provide for an independent judiciary and all higher court judges are appointed by the Sultan; however, in general the courts appear to act independently.

The police force, which has responsibility for internal security, and which includes an Internal Security Department, reports to the Sultan, who maintains firm control over it.

The country's large oil and natural gas reserves, coupled with its population of 345,000, give it a high per capita gross domestic product of over \$14,000. The worldwide recovery in oil prices that began in 1998 helped to restore the country's cash flow; however, the economy still continued to feel the effects of the Amedeo Development Corporation's 1997-98 collapse. The Government accused the corporation's head, the Sultan's brother Prince Jefri, of misappropriating \$16 billion of the country's foreign reserves. In October 2001, the Government set up Global Evergreen Pte Ltd., which by mid-2002 had reached a satisfactory settlement with all of Amedeo's creditors.

The Government generally respected its citizens' human rights in several areas; however, its record was poor in other areas, particularly with regard to civil liberties, and problems remained. Citizens did not have the right to change the Government, and they generally avoided political activity of any kind because of the official atmosphere of disapproval concerning such activities. Citizens do not exercise freedom of speech, freedom of press, freedom of assembly, or freedom of association. Labor rights were circumscribed and foreign workers sometimes were subjected to exploitation. Other human rights problems continued, including restrictions on religious freedom. Occasional spousal violence against women remained a problem, although the Government addressed the issue at many levels. Discrimination against women was a problem.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

#### b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits mistreatment of prisoners, and there were no reports of such mistreatment. Caning is mandatory punishment for 42 drug related and other criminal offenses. Sentences of caning are carried out in the presence of a doctor who monitors implementation and who has the authority to interrupt and postpone the punishment for medical reasons. Caning was included as part of the sentencing in 80 percent of criminal convictions. Many convicted persons reportedly preferred caning to lengthy incarceration.

Prison conditions generally met international standards. There was no overcrowding and a new facility was opened in Tutong to accommodate a growing prison population. By year's end, there was still a need for a separate juvenile detention facility as juveniles typically served their sentences in adult detention centers. Male and female prisoners were housed separately. Prisoners received regular medical checkups. Remand cells at police stations were Spartan.

Human rights monitors were not reported to have requested prison visits; however, foreign diplomats had consular access to detained nationals. Family members were permitted to visit prisoners and bring food.

d. Arbitrary Arrest, Detention, or Exile

The law provides for a prompt judicial determination regarding the validity of an arrest. However, those provisions, like the Constitution itself, may be superseded, either partially or wholly, through invocation of the emergency powers. The Internal Security Act (ISA) permits the Government to detain suspects without trial for renewable 2-year periods. The Government occasionally used the ISA to detain persons suspected of antigovernment activity; however, information on the detainees was published only after they were released.

There were no known arrests for publishing or distributing antigovernment literature during the year. However, in the past, the Government has not hesitated to arrest and intern citizens for such activities.

There were no arrests for religious missionary activities during the year. In late 2000 and early 2001, the Government used the ISA to detain at least seven Christian citizens, several of whom had converted from Islam, for alleged subversive activities. All were released in 2001. Government officials maintained that the detentions were for security rather than religious reasons (see Section 2.c.). Three of the Muslim converts to Christianity were believed to have reverted to their original faith after undergoing "rehabilitation." Rehabilitation may entail pressure, ceremonial renunciations, or schooling.

Normally a magistrate must endorse a warrant for arrest. Warrants were issued without this endorsement on rare occasions, such as when police were unable to obtain the endorsement in time to prevent the flight of a suspect. Police officers have broad powers to make arrests, without warrants, of persons caught in the physical act of committing a crime.

Several detainees, who played a pivotal role in the abortive 1962 rebellion and were detained without trial for 12 years from 1962 to 1973, subsequently escaped to live in self imposed exile in Malaysia. They began to return to Brunei in the mid-nineties and were rearrested. The detainees were released from detention after swearing an oath of loyalty to the Sultan and admitting to political "crimes." Several were given government positions. The leader of the 1962 rebellion, Sheikh Azahari bin Sheikh Mahmud, died in exile in Indonesia during the year.

Under a colonial-era law, the Sultan may forcibly exile, either permanently or temporarily, any person deemed to be a threat to the safety, peace, or welfare of the country. Since independence there have been no cases of banishment of citizens.

e. Denial of Fair Public Trial

The Constitution does not provide specifically for an independent judiciary. However, in 1996 the appellate level High Court ruled that the court had powers independent of the prosecution. The Government has not challenged yet the High Court's finding that magistrates have the legal power to discharge and acquit a defendant, even when the prosecution does not request the discharge. In general the courts appeared to act independently during the year.

The judicial system consists of five levels of courts, with final recourse in civil cases available through the Privy Council in London. Procedural safeguards include the right to defense counsel, the right to an interpreter, the right to a speedy trial, and the right to confront accusers. There were no known instances of government interference with the judiciary and there were no trials of political opponents during the year.

The civil law, based on English common law, provides citizens with a fair and efficient judicial process. Shari'a (Islamic law) supersedes civil law in some areas, including divorce, inheritance, and some sexual crimes. Shari'a law is not applied to non-Muslims. In September the first group of lawyers trained in both civil and Shari'a law graduated and were expected to assist in the proposed alignment of the two legal systems into a comprehensive legal code. The country does not have a "Law Society" (bar association) to promote lawyers' public accountability. The law lacks provisions to allow companies or individuals to sue the Government, which traditionally resolves disputes with generous, non-negotiable settlements, or, in some cases, simply refuses to settle. There is no legal provision to provide affordable legal counsel for poor defendants, except in capital cases. Such defendants may act as their own lawyers in court. There were no reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law permits government intrusion into the privacy of individual persons, families, and homes. However, such intrusion rarely occurred, except in cases of enforcement of "khalwat", an Islamic prohibition on the close proximity of a Muslim and a member of the opposite sex other than a spouse. On these occasions, religious enforcement officers may use appropriate force to enter a home, building or vehicle to detain suspects.

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

Under the emergency powers that have been in effect since 1962, the Government restricts significantly freedom of speech and freedom of the press.

On October 1, 2001, legislation that could further reduce press freedom took effect. Among other restrictions, it requires that the local newspapers obtain operating licenses, as well as prior government approval of foreign editorial staff, journalists, and printers. The law also gives the Government the right to bar distribution of foreign publications and requires distributors of foreign publications to obtain a government permit. The new law allows the Government to close a newspaper without prior notice and without showing cause. Journalists deemed to have published or written "false and malicious" reports were subjected to fines or prison sentences.

Prior to the promulgation of this new law, there were no laws specifically restricting freedom of speech and freedom of the press; however, the Government used its authority to protect public safety, morals, health, and domestic security to restrict these freedoms. Editions of foreign newspapers or magazines with articles that were found to be objectionable, embarrassing, or critical of the Sultan, the royal family, or the Government were not allowed into the country at times. Magazine articles with a Christian theme reportedly were censored (see Section 2.c.). However, the growing use of fax machines, the Internet, and access to satellite transmissions made it increasingly difficult to keep such material from entering the country.

The country's largest circulation daily newspaper, the Borneo Bulletin, appeared to practice self censorship in its choice of topics to avoid angering the Government. However, letters to the editor often included comments critical of the government's handling of certain social, economic, and environmental issues. The Government on occasion responded to public opinion on some issues concerning social or environmental problems. There was one Malay language press, the Media Permata, which circulates approximately 5,000 newspapers. There was also one Chinese language newspaper.

A second daily English-language newspaper, the News Express, featured a letters page where citizens and residents expressed their views and complaints, often about government services and, increasingly, about government policy. The newspapers' willingness to publish these expressions of opinion represented a modest extension of press freedom. During the year, the newspaper was raided on several occasions by the Immigration Department and subsequently charged with a number of offenses. In September the News Express and three journalists were sued successfully for slander and defamation by a private legal firm, which was awarded substantial damages. The company that owned the newspaper declared bankruptcy and closed.

Although the only television station was government owned, three Malaysian television channels were received

locally. Two satellite television networks were available, offering a total of 28 different channels, including the Cable News Network, the British Broadcasting Corporation World News, and several entertainment and sports channels.

The government's tolerance of political criticism was not tested because there was no organized opposition. However, the English language newspaper, the Borneo Bulletin was advised by police not to publish any stories about the activities of the Consumers' Association of Borneo's (CAB), a quasi-human rights organization (see Section 4). During the year, citizens generally made almost no criticism of the Government for fear of official disapproval and risk of surveillance. In the past, the Government did not hesitate to arrest those who attempted to propagate unwelcome political views. The Government placed no apparent restrictions on Internet use, which was widespread. Two popular electronic bulletin boards contained postings that sometimes were critical of government actions. The country's primary Internet service provider was state owned.

The Government generally respected academic freedom; however, some researchers chose to publish from overseas and under a pseudonym when they perceived that subject matter pertaining to the country would not be well received.

#### b. Freedom of Peaceful Assembly and Association

Under the emergency powers in effect since 1962, the Government significantly restricts the right to assemble. Freedom to assemble for political purposes was not tested seriously during the year.

Political parties are allowed, but may not engage in "activities that endanger people." Civil servants and security force personnel, who together make up 60 percent of all employed citizens, are not permitted to join political parties. There are two registered parties in the country: The Brunei Solidarity National Party (PPKB) and the Brunei People's Awareness Party (PAKAR). Both parties pledged their support to the Sultan and the system of Government, although they criticized administrative deficiencies. During the year, the parties largely were inactive, their few activities often went unpublicized, their organizations were marred by internal strife, and they were hindered by membership restrictions.

The country had few nongovernmental organizations (NGOs), all of which were based locally and focused on a specific mission. There were no international NGOs active in the country. Most domestic NGOs were business or social associations; none dealt with political or human rights issues. Any NGO seeking to operate in the country is required to apply for permission under the Companies Act. The activities of international service organizations such as Rotary, Kiwanis, and the Lions, which developed out of the established business community, continued to be restricted by the Government. Muslims were not allowed by the Government to be members of these organizations.

#### c. Freedom of Religion

The Constitution states that "The religion of Brunei Darussalam shall be the Muslim religion according to the Shafeite sect of that religion: Provided that all other religions may be practiced in peace and harmony by the person professing them in any part of Brunei Darussalam." However, the Government routinely restricted the practice of non-Islamic religions.

The Government voiced alarm about "outsiders" preaching radical Islamic fundamentalist or unorthodox beliefs. For example, the Islamist Al-Arqam movement remained banned. Citizens deemed to have been influenced by such preaching (usually students returning from overseas study) were assigned to study seminars organized by mainstream Islamic religious leaders. The Government seemed at least as concerned with these so-called Islamic "opportunists" as with unwelcome political views. The Government investigated and used its Internal Security Apparatus against persons whom it considered to be purveyors of radical Islam or non-Muslims who attempted to proselytize.

The Government reinforces the legitimacy of the hereditary monarchy and the observance of traditional and Islamic values through a national ideology known as the Melayu Islam Beraja or "Malay Muslim Monarchy." In 1993 the Government participated in issuing the Kuala Lumpur Declaration, which affirms the right of all persons to a wide range of human rights, including freedom of religion. Despite this and constitutional provisions providing for the full and unconstrained exercise of religious freedom, the Government routinely restricted the practice of non-Muslim religions by prohibiting proselytizing; occasionally denying entry to foreign clergy or particular priests, bishops, or ministers; banning the importation of religious teaching materials or scriptures such as the Bible; and ignoring requests to expand, repair, or build new churches, temples, and shrines. However, in 1998, the Government

allowed the Catholic Church to establish the first apostolic prefecture in the country and to install a Bruneian of Chinese origin as the country's first apostolic prefect. This development constituted a modest step in the direction of improved religious freedom, but in general there was no broad trend toward increased religious freedom during the year.

Non-Muslims who proselytize may be arrested or detained, and possibly held without charges for an extended period of time. In late 2000 and early 2001, the Government used the ISA to detain at least seven Christians, three of whom were converts from Islam, for allegedly subversive activities. The remaining three detainees, Malai Taufick bin Haji Mashor, Awang Yunis bin Marang, and Awang Haji bin Abdullah were released in October 2001, after spending 9 months in detention. There were credible reports that one of the Christian detainees, Taufick, was tortured and beaten during his first month of detention but that his treatment improved when he was transferred to another prison. When released, Taufick was placed under 1-year house arrest. A second detainee, Yunis, reportedly returned to work and was allowed to attend church services, but was not permitted to speak in public or travel outside of the country. Government officials maintained that the detentions were security-related (see Section 1.d.).

The Government routinely censored magazine articles on other faiths, blacking out or removing photographs of crucifixes and other Christian religious symbols during the year. In addition, government officials guarded against the distribution and sale of items featuring undesirable photographs of religious symbols.

The authorities conducted raids sporadically on clubs frequented by foreign residents and foreign workers in order to confiscate alcohol and foodstuffs that were not prepared in accordance with "halal" requirements (the Islamic requirements for the slaughter of animals and the prohibition on inclusion of pork products in any food). The majority of citizens regarded these actions as upholding Islam. In July 2000, the Government briefly detained local members of a small Islamic group for questioning after reports that group members in Malaysia were involved in an arms theft. No new information was available at year's end.

The Ministry of Education requires courses on Islam or the national ideology, the Malay Muslim monarchy, and prohibits the teaching of other religions. The Ministry requires that all students, including non-Muslims, follow a course of study on the Islamic faith and learn Arabic script. The International School of Brunei and the Jerudong International School are exempt from these requirements. Private Christian mission schools were not allowed to give Christian instruction and were required to give instruction on Islam. However, the Government did not prohibit or restrict parents from giving religious instruction to children in their own homes. In January 2000, the Government responded to objections from parents and religious leaders and set aside tentative plans to require more Islamic courses in private, non-Islamic parochial schools.

The Government requires residents to carry an identity card that states the bearer's religion. Visitors to the country must identify their religion on their landing cards.

For a more detailed discussion see the 2002 International Religious Freedom Report.

#### d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Government restricts the movement of former political prisoners during the first year of their release. Generally the Government does not restrict the freedom of movement of its citizens, visitors, and permanent residents. Government employees, both citizens and foreigners working on a contractual basis, must apply for approval to go abroad which is granted routinely.

In May immigration officials prohibited 13 foreign financial accountants working for Global Evergreen (a quasi-government company established to settle claims against the AMEDEO Development Corporation) from leaving the country based on allegations that the employees held invalid work visas. The group was allowed to leave the country shortly after media reports on their plight appeared in the international press. The Home Affairs Ministry and Immigration Department denied any wrongdoing in the case and indicated that it was routine practice to ensure that all foreign employees used the correct work visa.

No legal provision exists for granting temporary refuge, first asylum, or refugee status to those seeking such refuge or asylum. Under the law, persons arriving without valid entry documents and means of support are considered illegal immigrants and are refused entry. There were no reported cases of individuals seeking temporary refuge during the year.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens may not change the Government; the country is a monarchy, and there are no established democratic processes. Under the continuing state of emergency, there is no parliament, and political authority and control rests entirely with the Sultan. Individuals may seek to express their views or to influence government decisions and policies by writing letters to a local newspaper or by petitioning the Sultan or handing him letters when he appears in public (see Section 2.a.).

The country attempted to institutionalize a form of popular representation based on a traditional system of village chiefs who are elected by secret ballot by all adults. Candidates must be approved by the Government and must generally be Malay. These leaders communicate constituents' wishes through a variety of channels, including periodic meetings chaired by the Home Affairs Minister, with several officials appointed by the Sultan. In 1996 the Sultan presided at the first, and thus far the only, General Assembly of the Mukim (a group of villages) and village consultative council. Over 1,000 village chiefs from 150 villages and 35 Mukim participated as delegates. The delegates were elected from among individual villagers, and the Government described the Assembly as a grass-roots level political system. However, the Sultan appoints all of the council's advisors. Meetings between senior government officials and Mukim representatives allowed for airing of local grievances and concerns.

Members of the Sultan's appointed Cabinet serve as his principal advisors.

The lack of a representative, democratic Government seriously limited the role of both men and women in Government and politics, although women were limited to a greater extent. The Sultan's sister, Princess Masna, was the second ranking official in the Ministry of Foreign Affairs, and a woman was appointed the country's Ambassador to France during the year. In 1999 the first female High Court judge was appointed. The director of the Anticorruption Bureau, the Solicitor General, and the Assistant Solicitor General were women.

### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Consumers' Association of Brunei (CAB), established in March, addresses human rights but is primarily focused on consumer rights. However, after the CAB publicized poor working and living conditions and alleged abuses (including torture) by factory management of Bangladeshi workers involved in protest work stoppages, the organization received a letter from the Commissioner of Police requesting CAB to show reason why it should not be deregistered for exceeding its mandate (see Section 6.e.). No new information was available at year's end. However, senior CAB members reportedly were subjected to surveillance during the year.

### Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution does not contain specific provisions prohibiting discrimination based on race, sex, disability, language, and social status.

#### Women

The extent of spousal abuse is unknown. During the year, cases of abuse occurred, although specific figures were not available. As of 2001, there were 86 reported cases of domestic abuse, 4 reported cases on attacks on ex-wives, and 3 reported cases of child abuse. The criminal penalty for a minor domestic assault is 1 to 2 weeks in jail and a fine. An assault resulting in serious injury is punishable by caning and a longer jail sentence.

A special unit exists within the police department to investigate domestic abuse and child abuse complaints. Female officers staff the unit. A hotline was in service for abused spouses and the public to report domestic violence. The Ministry of Culture's Social Affairs Services (SAS) Unit provided counseling for women and their spouses. During the year, approximately 10 women and at least 7 young female rape victims aged between 9 and 15, stayed at the Taman Noor Hidayah, a women's shelter run by the SAS Unit. The local press reported that female victims were restricted to the shelter while waiting for their cases to be brought to court, resulting in considerable pressure from the victims' families to leave the shelter and drop charges to avoid social stigma.

Islamic courts staffed by both male and female officials offered counseling to married couples in domestic violence cases. However, there appeared to be a movement away from the practice of encouraging wives to reconcile with

flagrantly abusive spouses. In November the Government sponsored a seminar entitled the "Loving Nation" in which a number of social problems, such as domestic violence, were discussed. Islamic religious authorities recognize wife beating as grounds for divorce.

In 2000 two members of the Royal Brunei Armed Forces were sentenced to 4 years' imprisonment and three strokes of the cane for the attempted molestation and sodomy of a 20-year-old deaf girl.

Another area of apparent abuse involved female domestic servants, most of whom were foreign workers (see Sections 6.c., 6.e., and 6.f.). While the level of violence in society was low, the beating of servants--or refusing them the right to leave the house on days off, sometimes on grounds that they "might encounter the wrong company"--was less socially unacceptable behavior. Since most female domestics were foreign workers who were highly dependent on their employers, those subject to abuse were more likely to be unwilling or unable to bring complaints, either to the authorities or to their governments' embassies. However, when such complaints were brought, the Government generally was quick to investigate allegations of abuse and impose fines and punishment as warranted.

Prostitution is illegal. Women entering the country for purposes of prostitution generally were deported swiftly (see Section 6.f.).

In accordance with Koranic precepts, women are denied equal status with men in a number of important areas such as divorce, inheritance, and custody of children. Under the law, citizenship is transmitted through the father. This has resulted in a number of "stateless" residents, who are entitled to live in the country and to be documented for travel by the Government, but who do not enjoy the full privileges of citizenship, including the right to own land. Recent legislation allows female citizens who are married to foreigners or bear children by foreign fathers to transmit citizenship to their children.

Although men are eligible for permanent positions in government service whether or not they hold university degrees, women without university degrees are eligible to hold government positions only on a month-to-month basis. While some previous inequities have been eliminated, women in month-to-month positions continued to receive slightly less annual leave and fewer allowances than their male and female counterparts in permanent positions.

There were no separate pay scales for men and women, and in recent years there has been a major influx of women into the work force. Women served in a wide variety of capacities in the armed forces. The number of female university graduates increased, and nearly two-thirds of the country's university's entering class was female.

Religious authorities strongly encouraged Muslim women to wear the tudong, a traditional head covering, and most women did so. The custom was practiced in most government departments, all female students in government-operated schools were required to wear the tudong, and female students in nongovernment schools also were encouraged to wear it. However, there was no official pressure on non-Muslim women to wear the tudong.

The 1999 Married Women's Law significantly improved the rights of non-Muslim married women with respect to maintenance, property, and domestic violence. The 1999 changes to the Islamic Family Law (particularly in regard to Women's Position in Marriage and Divorce) were expected to improve the marital rights of Muslim women. Recent changes to the family law facilitated divorce proceedings for women and permitted women to retain the family home after their divorce.

#### Children

No statistics were published regarding the welfare of children. The strong commitment to family values within society, the high standard of living, and government funding for children's welfare provides most children a healthy and nurturing environment. Education is free, compulsory, and universal for the first nine years; after which, it is still free but no longer compulsory. With a few exceptions, involving small villages in extremely remote areas, nutritional standards were high, and poverty was almost unknown. Medical care for all citizens, including children, was subsidized heavily and widely available. During the year, at least 7 young female victims aged between 9 and 15 years were raped (see Section 5).

#### Persons with Disabilities

The law does not mandate accessibility or other assistance for persons with disabilities. The Government attempted to provide educational services for children with disabilities, although these efforts were not adequate yet.

#### Indigenous People

Indigenous people comprised 6 percent of the population; they were integrated into society, and enjoyed the same rights as other citizens.

#### National/Racial/Ethnic Minorities

Some members of non-Malay minorities, such as ethnic Chinese, including those born and raised in the country, were not automatically accorded citizenship and its attendant rights and had to travel abroad as stateless persons.

#### Section 6 Worker Rights

##### a. The Right of Association

Trade unions are legal but must be registered with the Government. The Government did not prevent the legal registration of trade unions, nor did it dissolve any. While unions are legal and easy to register, conditions were not conducive to the development of trade unions. There was no encouragement of workers to form trade unions, and existing unions were not active. The three registered trade unions were all in the oil sector and had a total membership of less than 5 percent of that industry's work force. All workers including civil servants other than those serving in the military, working as prison guards, or police officers, may form or join trade unions. Unions are independent of the Government.

The law permits the formation of trade union federations but forbids affiliation with international labor organizations.

##### b. The Right to Organize and Bargain Collectively

The Government did not interfere with lawful union activity during the year. It is illegal to refuse employment or discriminate against an employee on the basis of membership or nonmembership in a trade union. The law is silent on collective bargaining, and it occurs in only a few industries. Wage and benefit packages were based on market conditions and tend to be generous. An individual contract is required between an employer and each employee, but legal trade union activities may not be deemed to violate employee contracts. Some local legal experts have interpreted this provision as conferring the right to strike. However, under the law, strikes are illegal.

There is a free trade zone in Muara Port, known as the Muara Export Zone (MEZ).

##### c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

There were reports that foreign domestic workers worked extremely long hours and were not permitted rest days during the year. Their passports allegedly were held by employers to prevent their departure, there were anecdotal reports of such workers not being paid. During the year, foreign and domestic employment agents reportedly brought workers to the country from Indonesia, Malaysia, the Philippines, Pakistan, and other countries under false pretenses of well-paying jobs as teachers or shop assistants, only to force them later to accept jobs as laborers. Other workers, most notably in the garment industry, upon their arrival often were obliged to sign new employment contracts in the country that reduced their promised salaries through substantial monthly payments to their employment sponsors or agents. Living and working conditions for these persons generally were poor.

##### d. Status of Child Labor Practices and Minimum Age for Employment

Various laws prohibit the employment of children under the age of 16. Parental consent and approval by the Labor Commission is required for those under the age of 18. Females under age 18 may not work at night or on offshore oil platforms. The Department of Labor (DOL), which is a part of the Ministry of Home Affairs, effectively enforced



laws on the employment of children. There were no reports of violations of the child labor laws.

The Government adheres to the standards of ILO Convention 182 on the worst forms of child labor.

#### e. Acceptable Conditions of Work

Due to the ongoing economic downturn, unemployment has grown in recent years. However, most citizens still commanded good salaries. There is no minimum wage. The standard workweek is Monday through Thursday and Saturday, with Friday and Sunday off, allowing for two 24-hour rest periods each week. Overtime is paid for work in excess of 48 hours per week, and double time is paid for work performed on legal holidays. Occupational health and safety standards are established by government regulations. The DOL inspected working conditions on a routine basis and in response to complaints. The DOL generally enforces labor regulations effectively. However, in the unskilled labor sector enforcement was lax, especially for foreign laborers. The DOL may close any workplace where health, safety, or working conditions are unsatisfactory, and it has done so. The law permits a worker to leave a hazardous job site without jeopardizing his employment, but generally this did not occur.

Approximately 80,000 foreign nationals worked in the country. There were reports of cases of domestic bondage of foreign domestic workers (see Section 6.c.). There also were isolated reports of employers physically beating domestic employees or not providing them with adequate food. The Government prosecuted some such cases. In May 2001 there were 10 reported cases of maid abuse. In one case, an Indonesian maid collapsed at the International Airport while her employer, a captain with the Royal Brunei Armed Forces, was attempting to repatriate her. After being hospitalized, the maid claimed she was subjected to persistent assaults and ill treatment by both her employer and his spouse who allegedly used a hammer to fracture her teeth, ironed her hand with a hot iron for working too slowly, and fractured her ribs by kicking her. The captain also had incarcerated her at a guard "lock-up" room for allegedly stealing. No new information was available at year's end.

About 20,000 foreigners work in the garment industry. Workers and observers protested conditions in some factories in that industry, including inadequate accommodations, unsanitary facilities, and relatively large deductions from pay for the employers, broker agents and sponsors. The CAB highlighted in the press poor working and living conditions and alleged abuses (including torture) by factory management of Bangladeshi workers who had been involved in protest work stoppages (see Section 4). During the year, approximately 1,000 factory workers were repatriated, factory owners cited the world economic downturn and subsequent decreased demand as reasons.

#### f. Trafficking in Persons

The Law for the Protection of Women and Girls prohibits trafficking in women and girls. Although there are no laws that specifically refer to trafficking in men and boys, there are laws that criminalize aspects of trafficking. Penalties for traffickers range from 3 years' imprisonment and a fine to 30 years' imprisonment and caning of not less than 12 strokes. No official trafficking statistics were available, nor were there any NGOs present in the country to track trafficking. The Government did not provide any specialized training to government officials for the provision of assistance to trafficking victims.

Employment agents in Brunei and in other countries reportedly brought workers to the country from Indonesia, Malaysia, the Philippines, Pakistan, and other countries under false promises of well-paying jobs and later forced them to accept jobs as laborers or agricultural workers. There also were reports of employers confiscating the passports of domestic workers in order to prevent them from leaving the country.